THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.47 OF 2007

DATED 05th MARCH, 2007

Between

Bingi Narsaiah and others.

... Petitioners

AND

The Gram Panchayat Committee, Naspur, MR:Mancherial, Adilabad District, rep.by its Sarpanch and another.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.47 OF 2007

ORDER:

The six petitioners are residents of Naspur village and Gram Panchayat. It is their case that Mandal Revenue Officer (MRO), Mancherial, assigned Acs.0.05 cents in survey No.64 to each of the petitioners as house sites. The petitioners allegedly made applications to the Gram Panchayat on 10.01.2006 seeking building permission. They alleged that on 05.03.2006, the second respondent Gram Panchayat, granted building permission. Nonetheless, when they are making construction, Panchayat Secretary started interfering without giving any notice and without due process of law. Therefore, they filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in interfering with the construction in the house site plots as illegal and arbitrary.

At the stage of Admission itself, the learned standing counsel for Naspur Gram Panchayat, after obtaining instructions submits that there is no record of the petitioners' applications and granting permission on them. He also submits that the building permission obtained by the petitioners is not genuine. He, however, informs the Court that even if the petitioners make applications now, they will be considered in accordance with law.

In view of the submission made by the learned standing counsel, this Court is of considered opinion that when the Gram Panchayat itself says there is no record of granting permission to the petitioners, it would be better petitioners again make applications under Section 121 of Panchayat Raj

Act, 1994. As and when applications are made, the same may be considered by the Gram Panchayat in accordance with law, within a period of fifteen days from the date of submission of the applications. If, for any reason, the building permission may not be granted, the Gram Panchayat shall inform the petitioners immediately after receiving the applications and considering them.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

05.03.2007.
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